



San Carlos Apache Tribe
 Department of Justice
 Justine Jimmie (AZBN 019148)
 Deputy Attorney General
 Post Office Box 992
 San Carlos, Arizona 85550
 Tel. (928) 475-2397
 Fax (928) 475-3348
 E-Mail: justine.jimmie@scat-nsn.gov

**IN THE SAN CARLOS APACHE CHILDREN'S COURT
 SAN CARLOS APACHE RESERVATION
 SAN CARLOS, ARIZONA**

In the Matter of:

Case No.: CW-2026 0021

XAVION RUSSELL
 DOB: 07-15-2022

NAKIYA KINDELAY
 DOB: 10-19-2023

CHILD IN NEED OF CARE PETITION

Minor Children

The San Carlos Apache Tribe, by and through its representative undersigned petitions the Children's Court, pursuant to Chapter IV, Title V, Section 15. C. of the Child and Family Protection Code ("CFPC") to make the above minor a temporary ward of the Court pending further proceedings, based on the following:

Jurisdiction

- 1) The "minor children," Xavion Russell (age: 4) and Nakiya Kindelay (age: 2), are dependent Native American Indian child and tribally affiliated as enrolled members or eligible to be enrolled members with the San Carlos Apache Tribe.
- 2) The Children's Court of the San Carlos Apache Tribe ("Tribe") has exclusive jurisdiction pursuant to the San Carlos Apache Law and Order Code (SCALOC)

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Chapter 3, Title V, of the Child and Family Protection Code (CFPC), under Section 5 (A) General Jurisdiction.

- 3) The minor children's mother is Beyonce Kindelay ("mother"). The Minor Child's father is Kendrick Russell, Jr. ("father"). The parents are enrolled members of the San Carlos Apache Tribe, which is a federally recognized Indian tribe; as such, the Minor Children are eligible for membership or are members of the San Carlos Apache Tribe, which establishes Jurisdiction of the San Carlos Apache Children's Court pursuant to SCAT-CFPC.

Specific Allegations

- 4) On July 8, 2026, CPS Investigator Jerry James received a report from San Carlos Apache Police Officer Matthew Benson about a young boy found naked and unattended outside a home where he did not live. The home is in the Home Alone area in Bylas, AZ.
- 5) Officer Benson said that the 4-year-old boy was seen by the homeowner on her security camera outside her home.
- 6) The homeowner reported that the boy was alone and not wearing any clothes at about 6 a.m. when she first noticed him.
- 7) She brought him into her home and put clothes on him. She said that she did not see anyone else in area who might have been with him or looking for him.
- 8) Soon after, she called the police to report finding the young boy.
- 9) When Officer Benson arrived, he did not see anyone else in the area.
- 10) Officer Benson was informed that this was the first incident where the boy, identified as Xavion Russell, was found away from his home alone and unattended

1 11) Officer Benson called CPS, and Investigator Jerry James arrived and was briefed by
2 Officer Benson.

3 12) Mr. James reported that he knew of other times that the minor child, Xavion Russell,
4 was outside unattended. He also said that Xavion had some unknown medical issues
5 that needed to be treated.

6 13) Mr. James identified the boy's mother as Beyonce Kindelay and said she lives with
7 her grandmother, Delores Wilson.

8 14) Mr. James further reported that the mother, Ms. Kindelay, lives with her two
9 children, Xavion Russell and Nakiya Kindelay, Ms. Kindelay's brother, Brian
10 Wilson, her mother, Michelle Wilson, and her grandmother, Delores Wilson, in the
11 home.

12 15) Mr. James said that Delores Wilson has temporary guardianship of a, Zayden Hinton,
13 another child of Beyonce Kindelay. Zayden also lives at Delores Wilson's home.

14 16) Mr. James told Officer Benson that he received a similar report in June. At that time,
15 he found that the home has locks on the doors but that the boy can crawl out a
16 window, which he often does.

17 17) In June, Mr. James told Ms. Kindelay that she needs to keep a better eye on her
18 children, or they may be removed from her care for their safety.

19 18) With Officer Benson, Mr. James check on Xavion Russell and saw that he was dirty
20 and had a lice infestation on his head.

21 19) This time, Officer Benson and Mr. James took Xavion back to his home where
22 Michelle Wilson answered the door.
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- 1 20) When Mr. James went inside the home to check on the two other children, he found
2 them there with other adults in the home. But their mother, Beyonce Kindelay, was
3 not home.
4
5 21) Their uncle, Brian Wilson, was outside and did not appear to notice or care that
6 Xavion had been found unattended away from their home.
7
8 22) While talking to Mr. Wilson, the mother, Ms. Kindelay, ran up to them and said,
9 "You found him."
10
11 23) Ms. Kindelay said that she had been out looking for Xavion, but Officer Benson told
12 her that he had been with Xavion for a while and did not see her.
13
14 24) Officer Benson arrested Ms. Kindelay on allegations Endangering the Welfare of a
15 Minor and other charges.
16
17 25) Mr. James asked Ms. Kindelay who could take care of her children. She asked him to
18 take Nakiya Kindelay to her children's babysitter, Brandi Bonito, the Rising Sun
19 community.
20
21 26) Maternal Uncle, Brian Wilson, said that he could take care of Xavion Russell.
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23 27) On July 8, 2026, Mr. James gave an Agreement for Child Placement with a Relative
24 to Brandi Bonito, who agreed to care for Nakiya Kindelay.
25
26 28) Later, on July 15, 2026, Xavion was located again unattended outside a home in the
27 Home Alone community.
28
29) Mr. James went to Beyonce Kindelay at her home. He told her that he was going to
remove Xavion from the home and place him with his paternal grandmother, Lateshia
Russell, at her home in the Ocotillo Circle community in Bylas, AZ.
30) Mr. James then gave Beyonce Kindelay a Temporary Custody Notice indicating his
concerns for the children's safety.

1 31) CPS Investigator Jerry James provided a report on his initial investigation
2 concerning the allegations of this petition.

3 **Placement**

4 32) The minor children have been in the care of maternal and paternal relatives because
5 of the CPS investigations.

6
7 33) Mr. James gave the mother, Beyonce Kindelay, a TCN. Indicating his concerns for
8 the minor children's safety. Mr. James got information that the father of Xavion
9 Russell is Kendrick Russell, Jr, but Mr. James was not able to find him to give him a
10 TCN. No other fathers were identified.

11 34) Precautionary efforts will be made available for the Minor Children's protection
12 pursuant to CFPC Section 13. B. 1. Minor children, Xavion Russell and Nakiya
13 Kindelay, are placed as temporary wards with the San Carlos Apache Children's
14 Court and the San Carlos Tribal Social Services Department. The Minor children are
15 placed with relative placements: Xavion with his paternal grandmother, Lateshia
16 Russell, and Nakiya Kindelay with her maternal relative, Brandi Bonito.

17
18 35) Current address of Parents and Relatives:

19 **Parents:**

20 Mother—Beyonce Kindelay
21 Delores Wilson's Residence
22 Bylas, AZ 85530

23 P.O. Box 224
24 Bylas, AZ 85530

25 Father of Xavion Russell—
26 Kendrick Russell, Jr.

27 Last known address:
28 P.O. Box 192
Bylas, AZ 85530

Placement:

Lateshia Russell—Paternal Grandmother

1 Placement for Xavion Russell
2 Ocotillo Circle
3 Bylas, AZ 85530

4 P.O. Box 192
5 Bylas, AZ 85530

6 Brandi Bonito—Placement for Nakiya
7 Russell

8 P.O. Box 192
9 Bylas, AZ 85530

10 Shelter Care Hearing

11 36) Based on the information provided above, the Tribe is recommending the minor
12 children be placed in temporary protective custody under the protection of the
13 Children's Court and request that the minor children be made temporary wards of the
14 Court pending further proceedings.

15 37) Additionally, the Tribe requests, pursuant to CFPC Section 16, that a **Shelter Care**
16 **Hearing** be scheduled within ten (10) working days of the filing of this Child in Need
17 of Care Petition, pursuant to C.F.P.C. Section 16 (B), and that Mother Beyonce
18 Kindelay and Father Kendrick Kindelay be provided notice of the Hearing pursuant to
19 C.F.P.C. Section 16(C).

20 I, Attorney Justine R. Jimmie, have read the foregoing and attest that the information
21 contained herein is true and correct to the best of my knowledge.

22 Signed and dated this 16th day of July, 2026.

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26 Justine R. Jimmie
27 Deputy Attorney General
28 San Carlos Apache Tribe